

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

VILLAGE OF AIRMONT,

Defendants.

No. 20 Civ. 10121 (NSR)

**AFFIDAVIT OF RABBI ABRAHAM HOROWITZ**

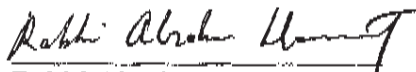
1. I, Rabbi Abraham Horowitz, reside at 11 Murray Drive, Airmont, NY 10952.
2. I am Rabbi and President of Congregation Khal Boston, an Orthodox Jewish congregation located in Airmont. My family and I have lived in Airmont since about 2006.
3. It is the sincerely held religious belief of my Orthodox Jewish community that at least ten men (age 13 and up) must come together to pray once in the morning and once in the afternoon each day. It is our sincerely held religious belief that we cannot walk on the Sabbath or some holidays, and so we must live within walking distance of our place of worship. As a result, having worship areas located within homes is an important requirement under our faith.
4. My religious beliefs require that I welcome any one to pray in my home, even if I am not their Rabbi. I also need a mikvah in my home to allow myself and those that come for prayer to take Jewish ritual purification baths. Only a small number of people can use the mikvah at a time.
5. Additionally, for the holiday Sukkos (Sukkah), which starts four days after Yom Kippur, the holiest day of the year, I must build a sukkos, or small hut, in my yard prior to Yom Kippur. Sukkos lasts nine days.
6. Starting in 2007, a number of my neighbors began to meet in my home for prayer, in an additional room that I used for this purpose. I received a Certificate of Occupancy (COO) for this room.
7. In June 2008, I received a letter from Ian Smith, the former building inspector for Airmont. The letter stated that I needed to take steps to "legalize" my "hours of worship."

8. I wanted to make sure that my home worship area complied with the law. My understanding was that I needed to apply for a permit for operation of my home worship space from the Village Planning Board and Community Design Review Committee.
9. I submitted a site plan of my home worship space, which totaled about 850 square feet for use by about 15 congregants, for review around April 2012 and appeared before the CDRC in June 2012. I was told that my plan needed to reconsider the proposed parking layout and was directed to submit a more detailed floor plan and come back to the CDRC.
10. I submitted new materials in January 2013 but was not heard before the CDRC until May 2013. At that meeting, I was told that my re-submitted plan did not have the required 21 spots for parking, a number that was not raised in the earlier CDRC meeting. I was also told that I needed to submit plans showing the interior layout of the proposed home worship space, including where all the seats would go.
11. I revised my submissions in October 2013 and went before the CDRC again in November 2013. This time, I was told for the first time that I needed to submit a full site plan that showed additional information like landscaping details, and that I needed to reapply to the CDRC.
12. I again revised my submissions in February 2014, and went before the CDRC again in March 2014. I was told that my landscaping plans had to be redone and informed of new problems for my proposal, including issues with the driveway. The CDRC finally agreed that if I made these changes, I could go before the Planning Board with my application.
13. I finally went before the Planning Board in February 2015. Although I had made the changes discussed with the CDRC, the Planning Board found new problems with my proposal for lighting and landscaping. The Planning Board heard comments from the public about my application and adjourned the meeting without taking final action.
14. I went before the Planning Board again in August 2015. The Planning Board approved my proposal for a permit for a 850 square feet of worship space, but only if I paid nearly \$4,000 in fees and agreed to change the type of tree included in my landscaping plan.
15. Although I felt that the CDRC and Planning Board kept finding new problems with my proposal during each hearing, because I wanted to receive my permit as soon as possible, I felt I had no choice but to provide the materials and make the changes newly requested during each meeting.
16. During the permit process, we had to make a number of expensive changes to the worship space, like installing a fire alarm system, panic bar, and exit signs. I had an inspection from the Village officials during this period. The place of worship located

in my home passed that inspection.

17. After the Planning Board's approval of my permit, I called the Village Planning and Zoning Department to find out what was holding up my COO. A few weeks after the approval, I was told by Suzanne Carley from the Planning and Zoning Department that the new Village building and fire inspectors, Louis Zummo and Shlomo Pomeranz, did not want to sign off on my COO and wanted me to have a new CDRC meeting.
18. At some point, I called Shlomo Pomeranz and asked him what the problem was with my application. I explained I had already been approved. He responded by yelling that it didn't matter, and that I had to go before the CDRC again because he said so.
19. Because I needed the COO and felt I had no other option, I paid the money and went before the CDRC again on October 11, 2016. The CDRC identified new problems with my proposal, which had already been approved by the Planning Board, including issues again with parking and the false claim that I lacked an indoor bathroom. The CDRC informed me that I needed to submit new architectural plans, which cost thousands of dollars, and that a new fire inspection was needed, even though the fire alarm system had been previously approved.
20. I went before the CDRC again on December 13, 2016. The CDRC now identified an additional 11 problems with my proposal for the first time.
21. I spent over \$20,000 on the application process.
22. I have still not received my COO.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on February 12, 2021.

  
Rabbi Abraham Horowitz